

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

12/21/2021
JULIA C. DUDLEY, CLERK
BY: s/ A. Little
DEPUTY CLERK

UNITED STATES OF AMERICA

v.

MARK ANDREW BERGER,
Petitioner.

CASE No. 6:15-cr-2

ORDER

JUDGE NORMAN K. MOON

This case is before the Court on Petitioner Mark Andrew Berger's *pro se* motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, Dkt. 293. For the reasons stated in the accompanying Memorandum Opinion, the Court **DENIES** the motion as to all claims except the claim that Berger received ineffective assistance of counsel in conjunction with plea negotiations. As to that claim only, the motion will be **TAKEN UNDER ADVISEMENT** and the Court will hold an evidentiary hearing.

Pursuant to the above, Berger's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, Dkt. 293, shall remain pending. His motion for status report, Dkt. 318, is **TERMINATED** as moot. The parties are **DIRECTED** to contact the Clerk of the Court to schedule an evidentiary hearing. The Clerk of Court is directed to send this Order and accompanying Memorandum Opinion to Petitioner and all counsel of record.

Entered this 21st day of December, 2021.


NORMAN K. MOON
UNITED STATES DISTRICT JUDGE